

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR.,)	Civil Action No. 05-125E
Plaintiff,)	District Judge McLaughlin
V.)	Magistrate Judge Baxter
)	
TRACY REEVES, ET AL.,)	
Defendants,)	

PLAINTIFF'S RESPONSIVE CONCISE STATEMENT
OF DISPUTED MATERIAL FACTS PURSUANT TO FRCP 56.1

AND NOW COMES, CASSIUS M. CLAY SR., Plaintiff, Pro-se, and Respectfully submits the following Response to the Defendant's Concise Statements of Undisputed Material Facts, pursuant to FRCP LR 56.1(C)(1), and in accordance with this Court's February 5, 2008 Order, which they contend are not in dispute, concerning the Motion for Summary Judgment on the Remaining Retaliation Claim but the following will show that there are disputed Material issue's of law, which would preclude Summary Judgment.

1. ADMITTED.

2. ADMITTED IN PART DENIED IN PART AS: According to D.O.C. Policy, and Greensburg Local Procedures, I was supposed to get a Confiscation Slip when Called to the Security Office with a envelop to send the Contraband Mail Back, but this was never Done.

3. ADMITTED IN PART DENIED IN PART AS: WITH Temporal proximity, it is suggested that the inference of Causation, (the ongoing Tampering with the Mail, and the Continued Illegal Taking of my money from my account, and Transferr) which language was contained in various Grievances (see Affidavit) states a valid claim of Retaliation on record.

4. ADMITTED IN PART DENIED IN PART AS: There are more grievances which are directed, or involve the Mail room.

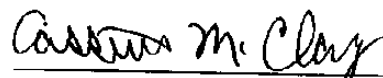
5. DENIED: As Grievance 49518 on page 2 [109-2](Exh.BB) clearly has the requisite elements of Retaliation, where Ms. C. Brimmer sarcastically stated that she knew it was going to get sent back cause they put insufficient funds on it yesterday. she also stated that she was going to refuse to place it in the mail again tomorrow, when I told her that I was going to place it back in the mail box.

6. ADMITTED IN PART DENIED IN PART AS: I sent a indigent application to the business office, and had to await their decision, but in the mean time, I wrote Camp-hill, and other places requesting that they investigate the tampering with the mail at Greensburg, and with the answer I was to finish the Process.

7. DENIED: See Affidavit, as some of the Grievances that I did file spoke about the Retaliative Transfer from Greensburg to Forest, as it was told to me; "your name was not on the Transfer list yesterday, so you know it's because of all the trouble you are causing, with the Grievances".

8. ADMITTED.

RESPECTFULLY SUBMITTED;



CASSIUS M. CLAY DQ5954

P.O. BOX 99991

Pittsburgh, PA 15233

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CASSIUS M. CLAY
Plaintiff

VS.

TRACY REEVES, ET AL.
Defendant

Civil Action No.: 05-125 Erie

District Judge McLaughlin

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STATEMENT OF VERIFICATION

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: 3/22/08

By:

Cassius M. Clay Sr.

Cassius M. Clay, Sr.
Pro se Plaintiff